



Committee on Legislative Matters and the Northampton City Council

Members

Councilor William H. Dwight, Chair

Councilor Gina-Louise Sciarra, Vice Chair

Councilor Rachel Maiore

Councilor John Thorpe

MEETING MINUTES

Date: November 9, 2020, Time: 5:00 pm

Virtual Meeting

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Councilor Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Dwight, Councilor Maiore, Councilor Sciarra and Councilor Thorpe. Also present were Office of Planning and Sustainability Director Wayne Feiden and Administrative Assistant Laura Krutzler.

Councilor Dwight announced that the meeting was being held by remote participation and recorded for later broadcast.

2. **Public Comment**

There being no members of the public present, there was no public comment.

3. **Approve Minutes of October 13, 2020 Legislative Matters Committee Meeting**

Councilor Maiore moved to approve the minutes of October 13, 2020. Councilor Thorpe seconded. The motion passed unanimously 4:0 by roll call vote.

4. **Items Referred to Committee**

- A. **20.139 An Ordinance to Add Section 285-31 Newspaper Boxes - referred by City Council November 5, 2020**

Councilor Dwight asked for the indulgence of committee members to defer the reading of the three-page ordinance until after Director Feiden's presentation in the interest of expediency, since the planning director had to leave the meeting at 5:30 p.m.

As brief context, two or three years ago, the mayor proposed and the city council approved a wayfinding Capital Improvement Program (CIP) project for a series of wayfinding items primarily in downtown and to a lesser extent, Florence, Director Feiden reported. The project included parking signs, smart garage parking signs, intelligent signs and kiosks and newspaper boxes. The idea of newspaper boxes is that while they believe in freedom of speech and want as many publications as possible on the street, they do tend to

proliferate. The jargon in the field is newspaper condos. The idea is that they would build more attractive newspaper boxes in key locations and lease them out to anybody with an interest and in return wouldn't allow [free-standing individual] plastic or metal boxes. Smith College did this at John M. Greene Hall a couple of years ago. The Gazette and the Republican are the two broadsheets in the area, both of which charge, and everything else falls into the tabloid category. Smith College built its 'condo' for one broadsheet and two tabloids

Planners have done inventories of all newspapers downtown and have worked with the Gazette and Republican. Many newspapers have suspended publication so there are a lot fewer than there used to be.

They want to move forward with this; they think it makes downtown more attractive. Florence just has one location.

It is before the council in terms of the regulations saying that, once the city has a system in place, that's the system people would use. They want to be very careful in terms of freedom of speech issues - that was the city solicitor's main concern. They aren't giving preference to one publication over another. As of today, they can accommodate everybody because, frankly, there are so many fewer. The Collegian has ceased publishing in physical form. The Advocate continues to print but doesn't print very often. They would add new ones on a first-come, first-serve basis.

The ownership of the licensing of newspaper boxes would move from the DPW to the Building Commissioner's office. There is some synergy there because they did the same thing several years ago with sandwich board signs (switched oversight from the DPW to the building department).

The city would charge for newspaper boxes but they are not trying to make money. Newspapers would be responsible for the maintenance of the box, but the city would still own them.

Councilor Dwight opened the floor to questions from councilors.

Councilor Sciarra moved to forward the ordinance with a positive recommendation. Councilor Maiore seconded

Councilor Maiore asked what material the boxes are made of.

The city will be going out to bid for this process, Director Feiden said. So far, they have only found three companies and all use metal boxes with Plexiglass fronts. They would look like the Gazette and Republican boxes since everyone else's are plastic.

Councilor Maiore asked if he expects pushback from publications.

The city charges a fee now, Director Feiden pointed out. When he spoke to the Republican and the Gazette - the publications which are most active - they were more concerned about details, what the city will actually charge, the number of spaces, etc., but weren't worried about the overall concept.

He did not reach out to Shopper's Weekly. He reached out to the Gazette, Republican and Collegian.

Councilor Dwight mentioned Auto Traders and real estate magazines. As he understands it, by law the fee can only be representative of the costs associated with creating and maintaining the service, he noted. That's correct, Director Feiden said.

Would it have the flexibility to accommodate more than just the two broadsheets and various tabloids if other publications were to arise? Councilor Dwight asked.

The idea was to reduce the number of sites, Director Feiden explained. "They have sort of proliferated all over the place." They don't need to be every 20 feet. They should be able to accommodate every single publication at a couple of locations. They did a projection of sites, and the current plan is to go to 10 locations including one in Florence and nine spread around downtown.

The 'condos' are somewhat larger. Using Pulaski Park as an example, he explained that currently there are three plastic newspaper boxes in the space between the bus shelter and the road. Under the new configuration, Pulaski Park would probably have two broadsheets side by side and four tabloids (which are half the size) underneath, so it could accommodate a total of six publications.

Director Feiden confirmed lessees would be responsible for maintenance of the individual boxes but the city is responsible for maintaining the "condo" or shell. They are saying box owners have to have the surface area of their box free of graffiti.

Councilor Dwight asked about ADA accessibility.

They meet all ADA standards, Director Feiden confirmed. The Smith College one at John M. Greene Hall is made by one of two companies the city is most likely to use. Someone in a wheelchair could easily reach the boxes.

Councilor Dwight asked if the city is responsible for clearing the snow.

The city is not responsible for clearing the snow now and that wouldn't change, Director Feiden replied.

City Solicitor Alan Seewald and Councilor Jim Nash joined the meeting.

Councilor Dwight explained that he allowed Director Feiden to give a thumbnail sketch prior to reading the ordinance. He invited the city solicitor and Councilor Nash to share their comments.

Attorney Seewald assured councilors he and Director Feiden had gone back and forth on this several times and he is comfortable with it as is.

Councilor Dwight read the ordinance.

Re: the 10% of graffiti allowed, if the graffiti is something egregious, is there any recourse for having it dealt with in less than 30 days? Councilor Sciarra asked.

They're the city's boxes, so, "we can certainly clean them up" and could ask someone to clean them up, Director Feiden confirmed.

Councilor Thorpe asked if the publishers who rent boxes would be fined for graffiti.

Director Feiden said no, the main penalty is losing their space.

Councilor Dwight asked about the amorphous language of “reasonably neat.”

Attorney Seewald said ‘reasonable’ is a well-used standard in the law. The enforcement agency is the building department, Director Feiden advised.

There being no further questions, Councilor Dwight called the motion to a vote, and it passed unanimously 4:0 by roll call vote.

6. New Business

None.

7. Adjourn

Councilor Thorpe moved to adjourn. Councilor Sciarra seconded. The motion passed unanimously 4:0 by roll call vote. The meeting was adjourned at 5:29 p.m.

Prepared By:

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